

DETAILED ACTION

Status of the Claims

Receipt is acknowledged of the Applicant's Response filed on 02/03/10. Claims 36, 38-40, 42-44, 46-48 and 50-54 are pending.

Upon consideration of the provided NPL by Linder et al (2004) showing that visceral fat tissue and subcutaneous fat tissue are significantly different, the 103 rejection of record is hereby removed, since Okuno et al findings are with respect to oral administration of perilla oil reducing visceral fat and not subcutaneous fat implicated in cellulite.

Reasons for allowance

The following is an examiner's statement of reasons for allowance:

The prior art of record does not teach or suggest a method of ameliorating or treating cellulite comprising topically applying from about 0.01wt% to about 10 wt% perilla oil to an area of skin affected by cellulite.

Therefore the claims are allowable over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Claims 36, 38-40, 42-44, 46-48 and 50-54 are allowed.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bethany P. Barham whose telephone number is 571-272-6175. The examiner can normally be reached on M-F from 8:30am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert A. Wax, can be reached on 571-272-0623. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bethany Barham
Examiner, Art Unit 1615

/Robert A. Wax/
Supervisory Patent Examiner, Art Unit 1615